

# Notice of Allowability

Application No.

10/825,925

Examiner

Erica E. Cadugan

Applicant(s)

DUNCAN ET AL.

Art Unit

3722

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to dkf T-4338 filed 4/19/04 and interview of May 4, 2006.
2. ☒ The allowed claim(s) is/are 1 and 3-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4/19/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Charles Thomas on May 4, 2006.

The application has been amended as follows:

Claim 1 (Currently Amended). In a tool for beveling the end of a pipe including a hollow, tubular body member having a central, longitudinal axis of rotation, an inboard end and an opposite, outboard end, and a core member disposed coaxially within said tubular body member and including a beveling cutter head, the improvement wherein [a first of] said body [and core members] is formed with a plurality of longitudinally spaced, transversely oriented latching pin openings and [a second of] said [body and] core [members] member is formed with at least one transverse latching pin opening therein, and further comprising a transversely oriented latching pin releaseably engaged in said at least one latching pin opening in said [second of said body and said] core [members] member and concurrently and alternatively engaged in a single, selected one of said latching pin openings in said [first of said] body [and core members] member, whereby engagement of said latching pin with both said first and second members longitudinally immobilizes said core member relative to said body member at one of a specific, limited number of reproducible longitudinal distances of extension of said beveling cutter head beyond said outboard end of said body member.

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Note: the claimed embodiment wherein the “plurality of longitudinally spaced, transversely oriented latching pin openings” are located in the “core member” that is “disposed coaxially within said tubular body member” is not shown in the drawings.

Claim 2 has been canceled. (Already included in claim 1)

Claim 3 (Currently Amended). A tool according to Claim [2] 1 wherein said core member includes a longitudinal stem located within said body member and coaxially aligned therewith, and said at least one latching pin opening in said [second of said body and said] core [members] member is formed as an annular, radial groove in said stem, and said plurality of latching pin openings in said [first of said] body [and core members] member are formed as parallel openings offset from radial alignment with said core stem, wherein said core member is movable telescopically within said body member so that said radial groove is tangentially aligned with a single, selected one of said latching pin openings in said body member.

Claim 6 (Currently Amended). A tool according to Claim [2] 1 wherein each of said plurality of longitudinally spaced, transversely oriented latching pin openings is internally threaded at the same pitch and diameter and said latching pin is an adjusting screw that has a head and a shank with an externally threaded proximal portion alternatively threadably engageable in each of said plurality of longitudinally spaced, transversely oriented latching pin openings.

Claim 7 (Currently Amended). A tool according to Claim [2] 1 wherein said inboard end of said tubular body member is formed with an externally threaded nipple and with a radial bore therein to receive a rod for tightening said nipple into a mounting structure.

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Claim 8 (Currently Amended). A tool according to Claim [2] 1 wherein said inboard end of said tubular body member is formed with an internally threaded socket.

Claim 9 (Currently Amended). A tool according to Claim [2] 1 wherein said inboard end of said body member is formed with both an externally threaded nipple and with an internally threaded socket located coaxially within said externally threaded nipple.

Claim 10 (Currently Amended). A tool according to Claim 1 wherein said inboard end of said tubular body member is formed with an externally threaded nipple and further comprising a mounting support for positioning against a rotary sawblade of a power saw, wherein said mounting support is formed with an enlarged, stabilizing pad for bearing against an outside surface of [a] the sawblade and a central hub having an internally threaded socket for receiving said nipple in threaded engagement therewith, and wherein a central axial aperture is defined in said hub to receive the shank of a sawblade anchoring arbor bolt.

Claim 12 (Currently Amended). An attachment device for beveling the end of a pipe comprising:

a hollow, tubular body member having a central, longitudinal axis of rotation, a plurality of longitudinally spaced, transversely extending latching pin bores, an inboard end configured for alternative attachment to different power tools and an opposite outboard end,

a core member disposed coaxially within said tubular body member and including a beveling cutter head and a longitudinal stem disposed within said tubular body member and longitudinally adjustable therewithin to vary the extent to which said beveling cutter head protrudes beyond said outboard end of said body member, said core member having a latching pin opening, and

a latching pin directed transversely and alternatively through a selected one of said plurality of latching pin bores of said tubular body member and engageable with said [stem] latching pin opening of said core member to longitudinally immobilize said core member at a specific one of a limited number of predetermined longitudinal distances of extension of said beveling cutter head beyond said outboard end of said body member.

Claim 13 (Currently Amended). A device according to Claim 12 wherein said tubular body member has an annular wall, and [a] said plurality of longitudinally spaced [and longitudinally offset], transversely extending latching pin bores are defined through said annular wall, and said latching pin opening of said core member [has a latching pin opening which] may be alternatively aligned with each of said transversely extending latching pin bores, whereby said latching pin is releaseably engageable with said latching pin opening in said core member and concurrently with a single longitudinally aligned one of said latching pin bores.

Claim 17 (Currently Amended). A tool according to Claim 16 wherein said inboard coupling end of said tubular body is formed with an externally threaded nipple, and further comprising a mounting support for positioning against a rotary sawblade of a power saw wherein said mounting support is formed with an enlarged stabilizing pad for bearing against an outside surface of [a] the sawblade and a central hub having an internally threaded socket for receiving said nipple in threaded engagement therewith.

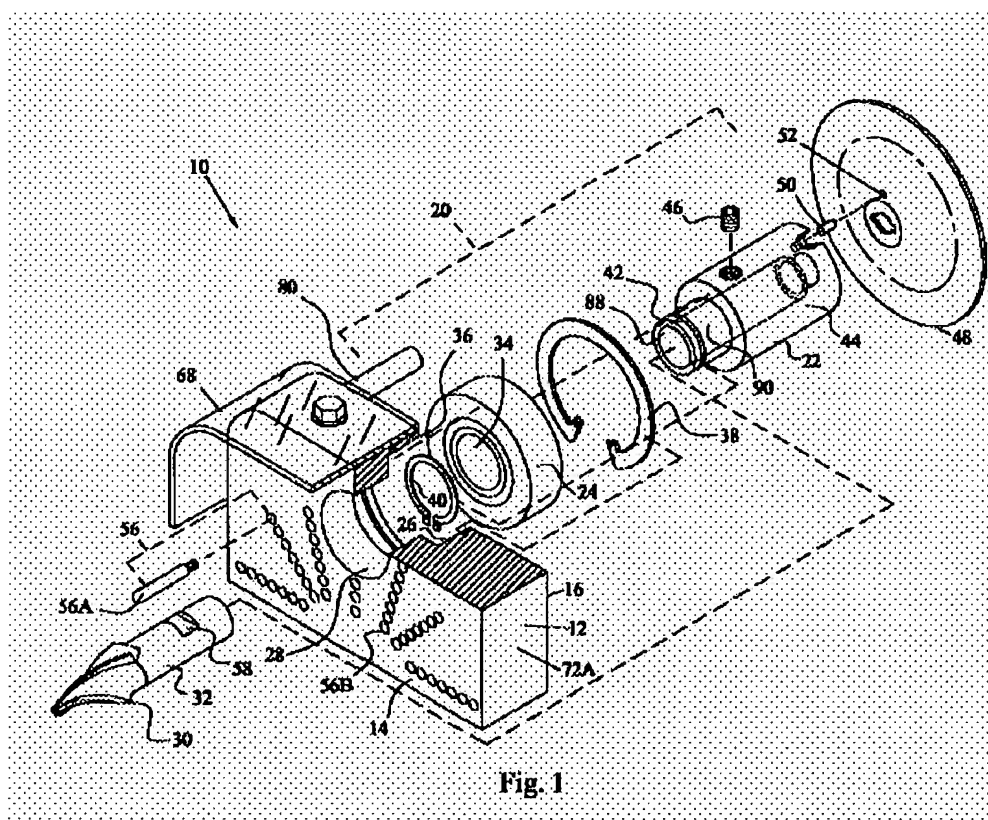
Claim 19 (Currently Amended). A tool according to Claim 16 wherein said latch [position] pin bores in said tubular body are internally threaded at a uniform pitch and diameter and said latching pin has a shank with a threaded portion having the same pitch and diameter.

2. The following is an examiner's statement of reasons for allowance:

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U.S. Pat. No. 6,146,067 to Owens is considered to be a representative example of the closest prior art of record to the present invention as set forth in independent claims 1, 12, and 16.

Specifically, Owens teaches a pipe beveling attachment for a power tool (see title of invention, for example).



For convenience, Figure 1 of Owens is reproduced above. Element 22 is a “hollow, tubular body member”. A stem portion 32 of a “core member” is disposed axially within the tubular body member 22 and is immobilized in a desired longitudinal position via the set screw or “latching pin” 46 (see above). Note that the “core member” also includes a “beveling cutter head” 30. Note that loosening the set screw 46 and axially moving the “core member” to a

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different degree of axial extent from the tubular member 22 and then re-tightening the set screw 46 results in the cutter being located at a different “longitudinal distance of extension” of the cutter from the tubular body member. Further, it is noted that the number of locations at which the cutter can be so immobilized is considered to be “limited” by at least the end portions of the core member, i.e., “limited” by at least the dimension of the length of the core member.

Also, it is noted that the cutter 30 is described as being “rotary” (see at least col. 4, lines 35-49, for example). The cutter is fixed with respect to the tubular member 22 via the set screw 46, and thus, when the cutter is rotated, the tubular member 26 also rotates, and thus has an “axis of rotation” as claimed. Additionally, it is noted that the right (i.e., “inboard”) end (as viewed in Figure 1 above) of the tubular member 22 is considered, as broadly claimed, to be “configured for alternative attachment to different power tools” via merely attaching the inboard end to different power tools. Also, Owens explicitly teaches the use of the device shown in Figure 1 with different power tools (see col. 3, lines 34-45, for example).

However, Owens does not teach that the “body member” 22 has a “plurality of longitudinally spaced, transversely oriented latching pin openings”, nor that the transversely oriented “latching pin” 46 is “concurrently and alternatively engaged in a single, selected one of said latching pin openings in said body member, whereby engagement of said latching pin with both said first and second members longitudinally immobilizes said core member relative to said body member at one of a specific, limited number of reproducible longitudinal distances of extension of said beveling cutter head beyond said outboard end of said body member” as set forth in independent claim 1. Similarly, Owens does not teach that the “body member” 22 has a “plurality of longitudinally spaced, transversely extending latching pin bores”, nor that the

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transversely oriented “latching pin” 46 is “directed transversely and alternatively through a selected one of said plurality of latching pin bores of said tubular body member and engageable with said latching pin opening of said core member to longitudinally immobilize said core member at a specific one of a limited number of predetermined longitudinal distances of extension of said beveling cutter head beyond said outboard end of said body member” as set forth in independent claim 12. Similarly, Owens does not teach that the “hollow, tubular body” 22 has “a plurality of longitudinally spaced, transversely directed latching pin bores of equal size defined therethrough”, nor that the “latching pin” 46 is “engaged in a selected one of said latching pin bores in said body and with said latch position groove of said core stem, whereby the alternative selection of each of said latch position bores for insertion of said latching pin determines the longitudinal position of said core stem latch position groove within said body for engagement by said latching pin, and the extent of protrusion of said core member cutter head from said outboard end of said tubular body” as set forth in independent claim 16.

Thus, for at least the foregoing reasoning, Owens does not anticipate the present invention as set forth in the independent claim.

Additionally, U.S. Pat. No. 5,080,536 to Andrews, for example, teaches a cutting tool or “core member” 40. The tool is a non-rotary boring tool. “Core member” 40 is disposed within a bore of a “hollow tubular body member” 15 (see Figures 1-2 and 6-7, for example).

Additionally, the “body member” 15 has a plurality of “latching pin openings” 20 that each receive a separate set screw or “latching pin” 21 (see Figure 2, for example). Different amounts of extension between the cutting end 41 of the “core member” 40 and the “body member” 15 are



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obtained by loosening various ones of the set screws or “latching pins” 21 and sliding the “core member” 40 relative to the “body member” 15 (see Figures 6 and 7).

However, Andrews does not overcome the deficiencies of Owens at least because Andrews does not teach that any “latching pin opening” (claim 1 or claim 12), nor any “circumferential latch position groove” (claim 16) is present in the core member 40. Note that the set screws or “latching pins” 21 engage the outer surface of the core member 40 and not any latching pin opening or circumferential latch position groove therein (see at least Figure 7, see also Figures 1-3 and 6).

Thus, for at least the foregoing reasoning, Andrews does not anticipate, nor would any reasonable combination of Owens and Andrews render obvious, the present invention as set forth in the independent claims.

The aforescribed being representative examples of the closest prior art of record to the present invention as set forth in the independent claims, for at least the foregoing reasoning, the prior art of record neither anticipates nor renders obvious the present invention as set forth in the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

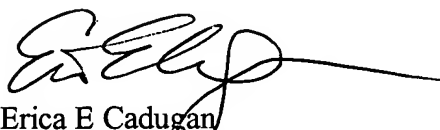
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 6:30 a.m. to 4:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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May 10, 2006